

REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTMENT OF THRIFT SAVINGS FUND.

Section 8438 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) In this subsection—
“(A) the term ‘PCAOB’ means the Public Company Accounting Oversight Board; and

“(B) the term ‘registered public accounting firm’ has the meaning given the term in section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)).

“(2) Notwithstanding any other provision of this section, no sums in the Thrift Savings Fund may be invested in any security that is listed on an exchange in a jurisdiction in which the PCAOB is prevented from conducting a complete inspection or investigation of a registered public accounting firm under section 104 or 105 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214, 7215), respectively, because of a position taken by an authority in that jurisdiction, as determined by the PCAOB.

“(3) The Board shall consult with the Securities and Exchange Commission on a biennial basis in order to ensure compliance with paragraph (2).”.

SA 4351. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. EXPANSION OF ENTITIES OF THE PEOPLE'S REPUBLIC OF CHINA SUBJECT TO PRESIDENTIAL AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a)(1), by striking “(other than authorities relating to importation)”;

and

(2) in subsection (b)(4)(B)—

(A) by striking clause (i) and inserting the following new clause (i):

“(i) is owned or controlled by, affiliated with, or otherwise shares common purpose or relevant characteristics with, the People's Liberation Army or a ministry of the government of the People's Republic of China, or that is owned or controlled by an entity affiliated with or that otherwise shares common purpose or relevant characteristics with the defense industrial base or surveillance technology sector of the People's Republic of China; and”;

(B) in clause (ii) by inserting “research and development,” after “services.”.

SA 4352. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTEGRITY AND SECURITY OF FINANCIAL MARKETS.

(a) **SHORT TITLE.**—This section may be cited as the “American Financial Markets Integrity and Security Act”.

(b) **PROHIBITIONS RELATING TO CERTAIN COMMUNIST CHINESE MILITARY COMPANIES.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COMMISSION.**—The term “Commission” means the Securities and Exchange Commission.

(B) **CONTROL; INSURANCE COMPANY.**—The terms “control” and “insurance company” have the meanings given the terms in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)).

(C) **COVERED ENTITY.**—

(i) **IN GENERAL.**—The term “covered entity”—

(I) means an entity on—

(aa) the list of Communist Chinese military companies required by section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note); or

(bb) the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations; and

(II) includes a parent, subsidiary, or affiliate of, or an entity controlled by, an entity described in subclause (I).

(ii) **GRACE PERIOD.**—For the purposes of this section, and the amendments made by this section, an entity shall be considered to be a covered entity beginning on the date that is 1 year after the date on which the entity first qualifies under the applicable provision of clause (i).

(D) **EXCHANGE; SECURITY.**—The terms “exchange” and “security” have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(2) **PROHIBITIONS.**—

(A) **LISTING ON EXCHANGE.**—Beginning on the date that is 1 year after the date of enactment of this Act, the Commission shall prohibit a covered entity from offering to sell or selling on an exchange (or through any other method that is within the jurisdiction of the Commission to regulate, including through the method of trading that is commonly referred to as the “over-the-counter” trading of securities) securities issued by the covered entity, including pursuant to an exemption to section 5 of the Securities Act of 1933 (15 U.S.C. 77e).

(B) **INVESTMENTS; LIMITATION ON ACTIONS.**—

(i) **IN GENERAL.**—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(I) in section 12(d) (15 U.S.C. 80a-12(d)), by adding at the end the following:

“(4)(A) It shall be unlawful for any investment company, or any person that would be an investment company but for the application of paragraph (1) or (7) of section 3(c), to invest in a covered entity.

“(B) In this paragraph, the term ‘covered entity’ has the meaning given the term in

subsection (b)(1)(C) of the American Financial Markets Integrity and Security Act.”; and

(II) in section 13(c)(1) (15 U.S.C. 80a-13(c)(1))—

(aa) in subparagraph (A), by striking “or” at the end;

(bb) in subparagraph (B), by striking the period at the end and inserting “or”; and

(cc) by adding at the end the following:

“(C) are covered entities, as that term is defined in section 12(d)(4)(B).”.

(ii) **EFFECTIVE DATE.**—The amendments made by clause (i) shall take effect on the date that is 1 year after the date of enactment of this Act.

(C) **FEDERAL FUNDS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), on and after the date that is 180 days after the date of enactment of this Act, no Federal funds may be used to enter into, extend, or renew a contract or purchasing agreement with a covered entity.

(ii) **WAIVER.**—The head of a Federal agency may issue a national security waiver to the prohibition in clause (i) for a period of not more than 2 years with respect to a covered entity if the agency head submits to Congress a notification that includes—

(I) a written justification for the waiver; and

(II) a plan for a phase-out of the goods or services provided by the covered entity.

(D) **INVESTMENTS BY INSURANCE COMPANIES.**—

(i) **IN GENERAL.**—On and after the date of enactment of this Act, an insurance company may not invest in a covered entity.

(ii) **CERTIFICATION OF COMPLIANCE.**—

(I) **IN GENERAL.**—Each insurance company shall, on an annual basis, submit to the Secretary of the Treasury a certification of compliance with clause (i).

(II) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary of the Treasury shall create a form for the submission required under subclause (I) in such a manner that minimizes the reporting burden on an insurance company making the submission.

(iii) **SHARING INFORMATION.**—The Secretary of the Treasury, acting through the Federal Insurance Office, shall share the information received under clause (ii) and coordinate verification of compliance with State insurance offices.

(3) **QUALIFIED TRUSTS, ETC.**—

(A) **IN GENERAL.**—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (38) the following new paragraph:

“(39) **PROHIBITED INVESTMENTS.**—A trust which is part of a plan shall not be treated as a qualified trust under this subsection unless the plan provides that no part of the plan's assets will be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).”.

(B) **IRAS.**—Paragraph (3) of section 408(a) of such Code is amended by striking “contracts” and inserting “contracts or in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940).”.

(C) **FIDUCIARY DUTY.**—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

“(f) **PROHIBITED INVESTMENTS.**—No fiduciary shall cause any assets of a plan to be invested in any covered entity (as defined in section 12(d)(6)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-12(d)(6)(B))).”.

(D) **EFFECTIVE DATE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the amendments made by this paragraph shall apply to plan years beginning after the date which is 180 days after the date of the enactment of this Act.